ORIGINAL

1904

FILE No. 132 OF 1904-1905

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT

COURTS

DECEMBER

'A' Collection Serial Nos. 1—2

Appointment of G. Sesha Iyengar, as Sheristadar of the District and Sessions Court, Shimoga; involving the question of the powers of the Courts as regards ministerial appointments under their control.

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1904-05.

GENERAL AND REVENUE SECRETARIAT.

(COURTS).

NOTES.

FILE No. 132 of 1904-05.

Appointment of G. Seshiengar as Sheristadar of the District and Sessions Court, Shimoga, involving the question of the powers of the Courts as regards ministerial appointments under their control.

From the Registrar of the Chief Court of Mysore, No. 2484—135, dated 31st October 1904.

Requests that sanction may be accorded to the above appointment if Government are of opinion their sanction is necessary.

Section 21 of the Civil Courts Regulation, I of 1883, which relates to appointments, etc., of ministerial officers of the Civil Courts and on which the Registrar relies, also states, that 'every appointment to a ministerial office shall be made subject to such rules as the Government may from time to time prescribe in this behalf.' As the Government have since directed that all appointments, whether permanent, temporary or officiating, carrying salaries fixed at or above or progressing to or above Rs. 100, should be reported to Government for sanction, it is submitted that Government sanction seems necessary.

T. K. S.
12-11-04.

N. N.
12-11-04.

Yes. The powers of appointment conferred on Courts by Section 21 of the Civil Courts Regulation and Section 7 of the Chief Court Regulation are expressly declared by those enactments to be subject to the rules and restrictions prescribed by Government, one of which is the direction laid down in the Government Order of 12th August 1903, which is applicable to appointments in all Departments of the State.

With this observation, the appointment of G. Seshiengar as Sheristadar of the District and Sessions Court, Shimoga Division, may be sanctioned.

Draft submitted to Secretary.

K. S. CHANDRASEKHARA AIYAR.
16-11-04.

Draft submitted to the Dewan Saheb thro' the 1st Councillor.

B. K. VENKATA VARADA IYENGAR.
19-11-04.

I think the view taken by the Secretariat is correct. Draft approved.

C. S.
21-11-04.

Submitted to His Highness the Maharaja of Mysore.

6. The appointment of Seshiengar as Sheristadar of the District and Sessions Court, Shimoga, may be graciously sanctioned.

P. N. K.
24-11-04.

ORDER.

7. Sanctioned.

K. R. W.,
H. H. the Maharaja of Mysore,
28-11-04.

8. Order accordingly.

P. N. K.
29-11-04.

9. Issue the order already passed.

B. K. VENKATA VARADA IYENGAR.
1-12-04.

Government Proceedings No. J. 1412-13—C. 132-2, dated the 1st December 1904, to the Registrar of the Chief Court and the Comptroller to Government.

Sanctions the appointment of G. Seshiengar with the observations made in the above notes.

Appointment of G. Seshiengar as Sheristadar of the District and Sessions Court, Shimoga, involving the question of the powers of the Courts as regards ministerial appointments under their control.

FILE No. 132 of 1904-05.

Letter No. 2484—135, dated the 31st October 1904, from the Registrar, Chief Court of Mysore, to B. K. VENKATA VARADA IYENGAR, Esq., Secretary to Government, General and Revenue Department.

Serial No. 1.

I am directed to state that G. Seshiengar, who was acting as Sheristadar of the District and Sessions Court, Shimoga Division, for about two years during the absence on furlough of the permanent incumbent, was confirmed in the post on Rs. 100 with effect from 17th January 1904, the date on which the permanent incumbent retired. This was duly sanctioned by the Chief Court on 3rd February 1904 under Section 21 of the Mysore Civil Courts Regulation, I of 1883.

The Comptroller has called upon the District Judge of Shimoga to obtain the sanction of Government to the appointment in question under Government Proceedings No. 910-49, dated 12th August 1903. It is doubtful if the said proceedings apply to ministerial appointments in the Judicial Department which are governed by Section 21 of the Civil Courts Regulation, I of 1883, and Section 7 of the Chief Court Regulation, I of 1884. If the Government are of opinion that sanction is necessary I am to request that the same may be accorded.

No. J. 1412-3—O. 132-2, dated the 1st December 1904, to the Registrar of the Chief Court, and the Comptroller to Government.

Serial No. 2.

Sanctioned, with the observation that the powers of appointment conferred on Courts by Section 21 of the Civil Courts Regulation and Section 7 of the Chief Court Regulation are expressly declared by those enactments to be subject to the rules and restrictions prescribed by Government, one of these being the direction laid down in Government Proceedings No. 910-49, dated the 12th August 1903, a direction which is applicable to appointments in all Departments of the State.